

3033. Misbranding of Vita Orange. U. S. v. 21 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28288, 28321. Sample Nos. 63019-K, 63033-K.)

LIBELS FILED: November 14 and 25, 1949, District of Maine.

ALLEGED SHIPMENT: On or about October 7 and November 4, 1949, by the California Fruit Juice Co., from Waltham, Mass.

PRODUCT: 85 cases, each containing 6 ½-gallon jugs, of *Vita Orange* at Wells and Waterville, Maine. Examination showed that the product was a mixture of orange juice, orange oil, water, acid, sugar, and artificial color.

LABEL, IN PART: (Jug) "Vita Orange with Vitamins added."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Vita Orange" on the bottle label and certain statements in an accompanying circular entitled "The Good Morning to Health" were false and misleading. The name and the statements represented and suggested that the article was nutritionally better than orange juice; that it was a better source of vitamins than orange juice; that it would be effective to promote health, healthy bones, teeth, and gums; and that it would be effective in the treatment of colds and in the prevention of infections. The article was not nutritionally better than orange juice; it was not a better source of vitamins than orange juice; and it would not be effective for the purposes represented.

The article was alleged also to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: January 30, 1950. Default decrees of condemnation and destruction.

3034. Misbranding of estrogenic hormone creams. U. S. v. 94 Jars, etc. (F. D. C. No. 27873. Sample No. 57635-K.)

LIBEL FILED: September 21, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about June 15, 18, and 29, and July 20, 1949, by the Up-To-Date Cosmetic Co., from New York, N. Y.

PRODUCT: 94 3-ounce jars and 30 1-ounce jars of *Estron-Hormone Cream*, 30 1-ounce jars of *Estro Turtle Hormone Cream*, and 81 1-ounce jars of *Estrogenic Hormone Cream* at Newark, N. J., together with a number of circulars entitled "Help Nature As The Years Pass By!" and a number of placards entitled "Estro-Turtle Cream."

LABEL, IN PART: "Estron-Hormone Cream with Petrolatum, Lanolin Mexican Turtle Oil * * * contains 7,500 units of natural estrogenic hormones per ounce, with 85% estrone," "Estro Turtle Hormone Cream with Lanolin * * * contains 7,500 int. units of natural estrogenic hormones," and "Estrogenic Hormone Cream Cont. 7,500 IU nat. estrogenic hormones per oz. (85% estrone)."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the articles were false and misleading since the articles were not effective in the conditions or for the purposes stated and implied: (*Estron-Hormone Cream*) "To help freshen the appearance of faded and aged skin" and "These ingredients contain the glandular oils, present in young skins, which day by day diminish after 30 years of age. It helps to erase throat lines, neck lines and eye lines—and helps stimulate undernourished

skin and flabbiness on the face, neck or any part of the body," (Estro Turtle Hormone Cream) "1) It helps to remove eye lines age-lines. 2) It helps to firm up sagging muscles, double chin and crepey throats. 3) It helps to stimulate undernourished skin and brings back fresh and youthful glow to faded face and neck-skin," and (Estrogenic hormone cream) "helps to erase eye lines, large pores and skin impurities. Helps to stimulate undernourished skin and brings back freshness to faded face and neck."

DISPOSITION: November 17, 1949. Default decree of condemnation. The court ordered that a portion of the products be delivered to the Food and Drug Administration and that the remainder be destroyed.

3035. Misbranding of St. Johns 4 Way Hair Grower and Scalp Treatment. U. S. v. 12 Bottles, etc. (F. D. C. 27217. Sample No. 47706-K.)

LIBEL FILED: May 16, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: The product and a number of leaflets and display cards were shipped on or about March 12 and April 1 and 5, 1949, by the St. Johnsbury Products Co., from Los Angeles, Calif., and a number of other leaflets were shipped by the Dispatch Printing Co., from Los Angeles, Calif., on or about March 30, 1949.

PRODUCT: 12 8-ounce bottles of *St. Johns 4 Way Hair Grower and Scalp Treatment* at Charleston, W. Va., together with a number of leaflets entitled "Announcing The Discovery of St. Johns 4 Way Hair Grower and Scalp Treatment" and "Jack Chefe" and a number of display cards entitled "A New Discovery."

LABEL, IN PART: "St. Johns 4 Way Hair Grower and Scalp Treatment * * *
Ingredients: Prepared with Complex Glucosides, Sodium Bicarbonate, Sodium Sulfate, Sodium Chloride, and Ferric Chloride."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and in the leaflets and on the display cards were false and misleading since they represented and suggested that the article was effective in growing hair on bald heads, stopping the loss of hair, and curing dandruff and scalp itch, whereas the article was not effective for such purposes.

DISPOSITION: December 19, 1949. The St. Johnsbury Products Co., claimant, having filed an answer and the answer subsequently having been withdrawn, judgment of condemnation was entered and the court ordered that the product be destroyed.

3036. Misbranding of Jessamine's Electro-Way (device). U. S. v. 1 Device * * *. (F. D. C. No. 28303. Sample No. 55296-K.)

LIBEL FILED: On or about December 1, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 12, 1949, by Jessamine's, from Oakland, Calif.

PRODUCT: 1 *Jessamine's Electro-Way* device at Kansas City, Mo. This device consisted of a transformer to reduce the voltage of the ordinary house current and pads by means of which the low voltage current could be applied to any desired part of the body.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying labeling of the device, namely, in an undated letter mailed September 5, 1949, in letters dated September 20, 1949, and September 29, 1949,